IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 11426 of 1995

Between:

1 Sadepalli Boyadass S/o. Bala Ramaiah
Narukuru village (post), Thotapalli Guduru (M), Nellore.
2 Sadepalli Bala Prasad S/o. Bala Ramaiah
Narukuru Village Thotapalligudur Mandal
Nellore Dist.
3 Sadepalli Penchalamma W/o. Bala Ramaiah
(All are residents of Narukuru village and post, Thotapalligudur

Mandal, Nellore District.

..... PETITIONERS

AND

1 The District Collector Nellore, Nellore District .
2 The Revenue Divisional Officer Nellore, Nellore District .
3 The Mandal Revenue Officer Thotapalligudur Mandal
Nellore District.
4 The Executive Engineer (R&B) Nellore Nellore District .
5 Maddineti Sudhakaraiah s/o Jagannadham
r/o. Pader village & post., Thotapalligudur Mandal,
Nellore District.
6 Nasina Narayana son of Thataiah, r/o. Narukuru village

Thotapalligudur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of mandamus, declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the lands belonging to the petitioners in an extent of Ac.3-13 cents situate in S.Nos.46, 48-A/1, and 48-B/1, of Narukuru Village, Thotapalligudur Mandal, Nellore District, for the purpose of formation of channel, is arbitrary, illegal and consequently direct the respondents not to excavate the lands belonging to the petitioners of the purpose of formation of channel without following due process of law.

Counsel for the Petitioner: MR.K.MURALIDHAR REDDY
Counsel for Respondents 1 to 4: GP FOR REVENUE

Counsel for Respondents 5 and 6: --

The Court made the following ORDER:

Heard learned counsel for the parties.

The cause of action shown in this writ petition is that the respondents 3, 5 and 6 were high-handedly interfering with the peaceful possession of the petitioners and a declaration was sought that the interference by the respondents with the peaceful possession and enjoyment of the land belongs to the petitioners admeasuring Ac.3.13 cents situated in Sy.Nos.46, 48-A/1 and 48-B/1 of Narukuru village was illegal. Basically this is a grievance, which could have been agitated in a suit. Now this petition is pending in this Court from a number of years. Counter has not been filed. I dispose of the writ petition directing the respondents not to dispossess the petitioners, if they are in possession, without following due process of law. No order as to costs.

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(Bilal Nazki,J)

24th March, 2005

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To

1 The District Collector Nellore, Nellore District .
2 The Revenue Divisional Officer Nellore, Nellore District .
3 The Mandal Revenue Officer Thotapalligudur Mandal
Nellore District.
4 The Executive Engineer (R&B) Nellore Nellore District .
5 Two C.Cs. to the Government Pleader for Revenue, High Court

of A.P., (OUT).

6 2 CD copies

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